

TERMINATION/SEPARATION FROM STATE SERVICE

OBJECTIVE

It is the Commonwealth's objective to identify the types of separation from state service and their related procedures, and to advise terminating employees of benefits to which they may be entitled.

I. EMPLOYEES TO WHOM POLICY APPLIES

This policy applies to positions covered under the Virginia Personnel Act to include classified, and restricted employees. (See section II (A) of Policy 2.20, Types of Employment.)

II. TYPES OF TERMINATION/SEPARATION FROM STATE SERVICE

A. Resignation

1. Resignation is an employee's voluntary separation from state service.
2. Advance notice
 - a. An employee who plans to resign from state service is asked to give reasonable notice to his or her agency (preferably at least two weeks), along with a written explanation for the resignation.
 - b. An employee's failure to give his or her agency reasonable notice of resignation may be documented on the employee's termination report.
3. Withdrawal of resignation
An agency may choose to accept an employee's request to rescind his or her resignation within 30 calendar days of separation. If the agency accepts the request to rescind the resignation the PMIS transaction should be changed to reflect a leave without pay for the period of separation; thus the employee will not experience a break in service. Upon agency approval an employee may use appropriate accrued leave to cover the absence.
4. Involuntary
A separation that is reported as a resignation but then is found to have been involuntary shall be treated as a discharge. (See section II (C) below.)

B. Retirement

1. No mandatory retirement age
There is no mandatory retirement age for employees, except for members of the State Police Officers Retirement System who are required to retire upon reaching 70 years of age.
2. Disability retirement

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- a. Any employee who participates in the Traditional Sick Leave Program, regardless of years of State service, is eligible to apply for disability retirement while employed or within 90 days after termination, so long as:
 - (1) while employed, the employee acquires a disabling condition that is likely to be permanent, as documented by a physician; and
 - (2) the condition prevents the employee from performing his or her job.
 - b. The amount of disability benefits will vary according to an employee's years of service and age.
3. Early retirement
 - a. An employee may take early retirement if he or she:
 - (1) is at least 55; and
 - (2) has at least five years of service.
 - b. Early retirement may result in reduced benefits if the employee has less than 30 years of service.
4. Retirement as an alternative when employee who participates in the Traditional Sick Leave Program becomes unable to perform the job
 - a. If an employee becomes mentally or physically incapable of performing his or her job, and there is no reasonable accommodation, including through transfer or demotion to another position, that will enable the employee to perform the job, the agency may require the employee to apply for disability or early retirement.
 - b. If an employee such as one described in section II (B)(4)(a) above declines disability or early retirement, his or her agency may apply Policy 1.60, Standards of Conduct, to address unsatisfactory performance.
5. For additional information on retirement benefits, consult the Virginia Retirement System's Handbook for Members.

C. Discharge

Discharge is an employee's involuntary termination from state service, but does not include termination as a result of layoff, which is described in section II (D) below.

D. Separation-layoff

Separation-layoff is a separation from state service prior to the expiration of leave without pay/layoff, or prior to the return from temporary work force reduction, or because the employee rejected an offer of recall that does not require relocation.

E. Separation-leave without pay/layoff

Separation-leave without pay/layoff is a separation from state service upon the expiration of the 12 consecutive months of leave without pay/layoff.

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III. BENEFITS UPON TERMINATION/SEPARATION FROM STATE SERVICE

In addition to retirement benefits that may be payable to retiring employees, employees separating from state service may be entitled to the following.

A. Payment for accrued leave

Covered employees separating from state service may be entitled to receive payments for accrued annual, sick, compensatory and/or overtime leave, in accordance with the Leave Policies. Employees who participate in the Virginia Sickness and Disability Program who have disability credit balances may be entitled to receive payment or convert the credits into VRS service credit (see Policy 4.57, Virginia Sickness and Disability.)

B. Health insurance

Employees separating from state service may be eligible to continue health insurance coverage and should consult their agency human resource offices in this regard.

IV. RECORDING DATE OF TERMINATION/SEPARATION AND ACCRUED LEAVE

A. Employee not on leave

The termination report of an employee not on leave shall state the separation date as the last day the employee worked and shall include any amounts to be paid for accrued leave.

B. Employee on leave

1. Employee on leave with pay

The termination report of an employee on leave with pay shall state the termination date as the last day that the employee was on paid leave.

2. Employee on leave without pay

The termination report of an employee on leave without pay who fails to return to state service shall state the termination date as the last day of leave without pay

V. AUTHORITY AND INTERPRETATION

This policy is issued by the Department of Human Resource Management pursuant to the authority provided in Title 2.2, of the Code of Virginia. This policy supersedes Rule 11.6, Resignation, and Rule 11.8, Retirement, of the Rules for the Administration of the Virginia Personnel Act, effective July 1, 1977.

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The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with section 2.2-1201 of the Code of Virginia. Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Office of Agency Human Resource Services. The Department of Human Resource Management reserves the right to revise or eliminate this policy as necessary.